APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/159,695	09/24/1998	B. REILLY BARRY	COS-97-087	5454

25537	7590	07/15/2005

MCI, INC
1133 19TH STREET NW
WASHINGTON, DC 20036

EXAMINER
JAROENCHONWANIT, BUNJOB

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/159,695	BARRY ET AL.
	Examiner	Art Unit	
	Bunjob Jaroenchonwanit	2143	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>15 March 2005</u> .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-43,45-97 and 99-113</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-43,45-97 and 99-113</u> is/are rejected.

7) ☒ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>24 September 1998</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5/4/05</u> ,   6) ☐ Other: .
   09/16/02 07/23/04 , 11/04/04, 07/28/03

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex*

Parte Quayle, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible

for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been

timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on 6/13/2001 has been entered.

2.   Applicant is requested to review the policy of submitting IDS to the Office. Although the

filling is in compliance with 35 CFR 1.56, however, it is respectfully requested a common

courtesy for refraining from submitting duplicated IDS, repeatedly. Repetitiveness submission

of IDS is not only costly your client, it also adds unnecessary burden to the Office, which in turn

would impede the prosecution.

3.   In response to the RCE and amendment file 4/9/05, and granted decision on Affidavit

filed 08/09/04, the rejections under Brandt and Peterson are hereby withdrawn.

4.   Claim 1-43, 45-97, 99-113 are pending for examination. Newly rejections are as stated

below.

Double Patenting

5.   The nonstatutory double patenting rejection is based on a judicially created doctrine

grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or

improper timewise extension of the "right to exclude" granted by a patent and to prevent possible

harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed.

Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686

F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6.   Claims 1-43, 45-97, 99-113 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-63 of U.S. Patent No. 6,615,258 (Barry'258). Although the conflicting claims are not identical, they are not patentably distinct from each other because context of the claimed invention are closely analogous, especially, claims 1, 57, 112 and 113 *vis-à-vis* patented claims 7 and 38.

7.   Claims 1-43, 45-97, 99-113 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 6,606708 (Devine et al). Although the conflicting claims are not identical, they are not patentably distinct from each other because context of the claimed invention are closely analogous, especially, claims 1, 57, 112 and 113 *vis-à-vis* patented claim 25..

8.   Claims 1-43, 45-97, 99-113 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of U.S. Patent No. 6,115040 (Blade et al). Although the conflicting claims are not identical, they are not patentably

distinct from each other because context of the claimed invention are closely analogous,

especially, claims 1, 57, 112 and 113 *vis-à-vis* patented claim 2.

9.   <u>Claims 1, 2, 4, 58, 59, 61, 112 and 113 are rejected under 35 U.S.C. 103(a) as being</u>

<u>unpatentable over Mendez et al (US 2004/0139178, "Mendez", herein after) and Birrell et al (US</u>

<u>5,805,803, "Birrell", hereinafter).</u>

10.   Regarding claim 113, Mendez discloses *a method for providing network management to*

a customer employing a browser in a communications service enterprise over an internet,

comprising: managing a   client session over the Internet with a secure web server in response to

customer entry and supporting communication of request messages received from the browse to

network management resources (¶ 63, establishing secure communication between client and

server);

        Mendez, further discloses *upon successful authentication of the customer, initiating a*

download of a client application integrated for use with the browser, said client application

programmed to be interactive communications with the network management resource (¶ 71-

73).

        Mendez does not explicitly disclose *downloading a logon.*   However, in the same field of

endeavor, Birrell teaches the same, i.e., checker sends authentication form to client (Col. 4, lines

19-36).

        Thus, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to incorporate downloading log on object from server to client for

authentication purpose as suggested in Birrell with Mendez for overcome impracticalities and

security violation as suggested in Birrell (Col. 1, line 60-Col. 2, line 18).

11.   Claims 1, 58 and 112, Mendez-Birrell discloses essential elements of the claims, as

described in claim 113 above.   Therefore, they are rejected by the same rationale.

12.   Claims 2 and 59, Mendez-Birrell discloses *a secure web server supports encrypted*

communication between said client browser and said secure web server, said secure server also

providing session management including <u>*at least one of*</u> *customer identification, validation,*

entitlements and encryption to link said session with said customer (Mendez ¶ 63).

13.   Claims 4 and 61, Mendez-Birrell discloses the system uses digital certificates for

authentication (Birrell, Col. 4, lines 36-46).

14.   <u>Claims 3 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendez-</u>

<u>Birrell, applied to claims 2 and 59 and in view of Hind et al (US 5,987,523, "Hind", hereinafter).</u>

15.   Claims 3 and 60, Mendez-Birrell discloses the invention substantially as claimed, but

does not explicitly disclose a dispatch server couple to say secure server. However, in an

analogous art, Hind discloses *a dispatch server, e.g., redirectors, for communicating with said*

secure web servers, (web server, 402, secure server 406) and a plurality of said one or more

remote application resources (host server 407 or 205), said dispatch server providing

verification of system access and proxy generation for said system resources after customer's

entitlements have been verified (redirector, Fig. 2-4; Col. 6, line 5-Col. 6, line 51). Thus, it

would have been obvious to one of ordinary skill in the art at the time of the invention was made

that to incorporate a redirector or a dispatch server as suggested in Hind with Mendez-Birrell,

because it would enable the system to provide alternative resources in case of the intent resource

is unable to reach (Birrell, Col. 1, lines 45-50), therefore enhancing system's flexibility.

16.   Claims 5 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendez-Birrell as applied to claims 2 or 60, and in view of Riggins et al. (US 6,131,116, "Riggins", hereinafter).

17.   Claims 5 and 62, Mendez-Birrell discloses the invention substantially, but does not explicitly disclose said downloaded web-based GUI comprises:

a backplane object downloaded with, and launched by said web-based GUI, said backplane object launching said one or more client applications upon initiation by said customer,

the backplane object further enabling inter-application communications among the client applications and also with said backplane object, wherein said backplane object and the client applications interoperate with one another to provide said integrated customer interface to a plurality of communications network management products and services subscribed by the customer.

However, in the same field of endeavor, Riggins teaches a system for globally accessing computer service comprising of clients and servers (Col. 1, line 5-10), includes

said downloaded web-based GUI comprises a backplane object downloaded with, and launched by said web-based GUI, said backplane object launching said one or more client applications upon initiation by said customer, the backplane object further enabling inter-application communications among the client applications and also with said backplane object, wherein said backplane object and the client applications interoperate with one another to provide said integrated customer interface to a plurality of communications network management products and services subscribed by the customer (Fig 6, download applet 640, select service, which initiates applet 660).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made incorporate the use of applet as taught by Riggins with Mendez-Birrell for

integrating applications for clients selection. Doing so will improve client server network

communications, speeding up application download process using small pieces of program such

as applets as aback plane would allow client server communication faster loading.

18.   Claims 6, 7, 9, 11-15, 63, 64 and 67-71 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Mendez-Birrell-Riggins as applied to claims 5 or 62, in view of Radia et al

(US 5, 848,233, "Radia", hereinafter).

19.   Claims 6 and 63, Mendez-Birrell-Riggins discloses the invention substantially, as

claimed, but fails to disclose the system comprises a logon object; a user object and running

application in a frame independent from web browser.

However, in the same field of endeavor, Radia teaches a system for accessing network

control server, for controlling access to network server. The system processes login control by

downloading a login applet to clients. The applet function as a means for transact credential

information to the server (Radia, Col. 8, lines 30-67), which is equivalent the claimed logon

object and inherent the use of the logon object to create a session object for communicating with

the order entry server to provide the customer authentication, wherein upon successful customer

validation, the user interface downloads the one or more client applications and the Web-based

GUI having the backplane object.

20.   Claims 7, 9 and 64, Mendez-Birrell-Riggins-Radia discloses the system substantially,

including a user object for representing a current customer, the user object further

communicating with the said authentication server to determine the customer's entitlements to

the Web enabled communications network management services, wherein the backplane uses the

entitlements to display via said integrated interface only those web enabled services to which the

user has privilege (Radia, users authentication and receiving information relate the users, Col. 6,

lines 9-30).

21.   Claims 11 and 67, Mendez-Birrell-Riggins-Radia discloses a set of common graphic user

interface objects for enabling the client applications and the backplane to provide common look-

and-feel desktop window management feature (Radia, applet, Col. 8, lines 30-67; Hogan, look-

and-feel web page, Fig. 4).

22.   Claims 12-15 and 68-71, Mendez-Birrell-Riggins-Radia discloses the invention

substantially as claimed as described in claim 11, but does not explicitly disclose the server

providing data report comprising report requestor and report viewer.

       However, Mendez-Birrell-Riggins-Radia teaches a client server system comprising the

use of applet, GUI for providing authentication, accessing database for generating invoice,

presenting invoice, etc., in response to client requests.

       Thus, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to recognize that was a matter of application choice to use Mendez-Birrell-

Riggins-Radia to authenticate, access database generating and present report other than invoice

or billing. Doing so, system can be used with other application without imposing burden in

modifications and high cost.

23.   Claims 8, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendez-

Birrell-Riggins-Radia as applied to claims 7 or 64, in view of Chung et al (US 6,012,090,

"Chung", hereinafter).

24.   Claims 8, and 65, Mendez-Birrell-Riggins-Radia discloses the invention substantially,

including application being execute by applets from client through browsers, which is equivalent

to the client application is run directly by the backplane object when the customer selects the

data management service associated with the client application. Mendez-Birrell-Riggins-Radia

fails to explicitly disclose running application in a frame independent from a Web browser's

window. However, in the same field of endeavor, Chung teaches a system for improve accessing

information over the Internet. The system includes the use of browsers, applet and using applets

to open frame independently from access browsing frame (Col. 6, lines 14-54). Thus,

incorporating Chung notion, with Mendez-Birrell-Riggins-Radia to open new frame

independently from web browser's window, would have been obvious to one of ordinary skill in

the art at the time of the invention was made that was a matter of design choice. Because

running separate frame or windows, customer would save time to reload the main windows,

which may be served as an entry or menu page. The browser will eliminate repetitive download

and execute applet, thereby, navigations can be done faster one more effective. For the same

motivation, effectiveness and time consuming would enable one skill in the art to design system

as taught by Chung, which open a new frame rather than a new windows because it would speed

up the operations.

25.   Claims 10 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Mendez-Birrell-Riggins-Radia as applied to claims 7 or 65, and Montulli (US 5,774,670) and

Harrison et al. (US 5,208,908, "Harrison", hereinafter).

26.   Claim 10 and 66, Mendez-Birrell-Riggins-Radia does not explicitly disclose maintains

session in static memory. However, in analogous art Montulli teaches storing state information

or cookies in a memory (Col.7, lines 4-39). Harrison teaches cache using hi-speed static memory (Col. 8, line 28). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to maintain session's information is static memory. Because static memory is known to have a fast access time, thus storing state information in static memory would allow fast access to the information, which would increase communication speed and efficiency of the system.

27.   Claims 50-51, 53, 104-105 and 107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendez-Birrell as applied to claims 3 and 60, above and in view of Montulli (US 5,774,670).

28.   Claims 50-51, 53, 104-105 and 107, Mendez-Birrell discloses the invention substantially, as claimed, but fails to explicitly disclose using cookies for generate communication instance of client identification to verify the client. However, in an analogous art, Montulli teaches using cookies for generate instances for client identification (Col.7, lines 16-54), in order to maintain state information for stateless connection network such as HTTP, which widely used in the Internet. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate cookie with Mendez-Birrell system. Because network growth and increasing level of client/server interaction, retaining state information at server become too complex and heavy burden to the server, using cookies would enable system to offload retaining state information to the clients will free up resources, processing time of the server, thereby improving client/server service efficiency.

29.   Claims 52, 54, 55, 106, 108 and 109 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Mendez-Birrell-Montulli, as applied to claims 51 and 105 above and in view

of Cianfrocca et al (US 6,088,796).

30.   Regarding claims 52, 54, 55, 106, 108 and 109, Mendez-Birrell-Montulli discloses the

invention substantially, as claimed, as described in claim 51, including a web server with secure

port and encryption decryption. Mendez-Birrell-Montulli fails to discuss using specific secure

socket layer and specific encryption algorithm such as RSA were being used. However, in an

analogous art Cianfrocca teaches conventional SSL, RSA, and utility of the conventional SSL

and RSA for securing data distributions. Thus, it would have been obvious to one of ordinary

skill in the art at the time of the invention was made to take advantage from using conventional

standard of SSL and RSA with any secure network including Mendez-Birrell-Montulli. Because

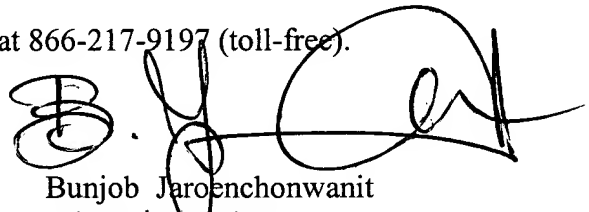using conventional, one could reduce system designing cost and time.

31.   In the event of the above Double patenting rejections have been resolved Claims 16-43,

45-49, 56-57, 72-97, 99-103, 110 and 111 are objected to as being dependent upon a rejected

base claims, but would be allowable if rewritten in independent form including all of the

limitations of the base claim. Applicant's arguments filed 3/15/05 have been considered but are

moot in view of the new ground(s) of rejection.

32.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (571) 272-

3913. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bunjob Jaroenchonwanit
Primary Examiner
Art Unit 2143

/bj
07/06/2005